

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

DR. JOE L. REED,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-190-WKW
)	
GOVERNOR BOB RILEY, in his official)	Removed from the Circuit Court
capacity, and ELTON DEAN, in his official)	of Montgomery County, Alabama
capacity as Chair of the Board of Trustees)	Case No. 03-CV-2007-900076.00
of Alabama State University,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT

COME NOW Defendants Governor Bob Riley and Elton Dean (collectively "the Defendants"), by and through their respective counsel of record, and move this Honorable Court, in accordance with Rules 12(b) and 15(a) of the Federal Rules of Civil Procedure, to enter a judgment dismissing all the claims asserted against them in the Plaintiff's First Amended Complaint (Doc. 15) on the following grounds:

- 1) As a matter of law, Plaintiff Reed is not entitled to the declaratory relief sought in Count One of his First Amended Complaint; and
- 2) As a matter of law, the age limitation contained in section 16-50-20(a) of the Code of Alabama does not, as is alleged in Count Two of the First Amended Complaint, violate the Equal Protection Clause of the Fourteenth Amendment.

In support of this motion, and in response to the Plaintiff's Motion for Summary Judgment (Docs. 16-17), Defendants are contemporaneously filing a memorandum brief that sets forth their arguments in greater detail.

WHEREFORE, the above-cited grounds considered, the Defendants request that this Honorable Court enter a judgment in their favor dismissing, with prejudice, all the Plaintiff's claims in this action.

Submitted this 27th day of June 2007.

Respectfully submitted,

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/s/ Scott L. Rouse
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following attorneys:

J. Cecil Gardner, Esq.
M. Vance McCrary, Esq.
James H. Anderson, Esq.
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/s/ Scott L. Rouse
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